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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,332	01/16/2002	Mehmet Aslan	50019.81USU1/P05006	7971

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EXAMINER
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DEJESUS, LYDIA M

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/051,332

Applicant(s)

ASLAN ET AL.

Examiner

Lydia M. De Jesús

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☒ Claim(s) 1-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Paper No. 6, filed May 1, 2003, with respect to the rejection of claim 1 as being anticipated by Hinrichs and of claims 1,6,7, and 9-13 as being unpatentable over Miranda in view of Davidson have been fully considered and are persuasive. The rejections of said claims have been withdrawn.
2. Applicant's arguments, see Paper No. 6, filed May 1, 2003, with respect to the rejection of claim 14 as being anticipated by Aslan, in particular the arguments regarding the limitations describing said order sequence, have been fully considered and are persuasive. However, upon further review of the language of the claims, it is considered that the scope of claims 14 and 19 is unclear, since an ordered sequence is only one among three options for the sequence recited in said claims. Accordingly, a rejection under 35 U.S. C. 112, 2<sup>nd</sup> paragraph, follows.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: The term "circuit" is repeated in preamble of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claim 14 recites the broad recitation "wherein the sequence is selected from a random sequence, a pseudorandom sequence, and an ordered sequence" and the claim also recites "wherein the ordered sequence comprises a first selected current level that is applied at a first and a last time and a second selected current level that is applied at a second and next-to-last time" which is the narrower statement of the range/limitation. Similarly, the language of claim 19 recites the broad recitation "wherein the sequence is selected from a random sequence, a pseudorandom sequence, and an ordered sequence" and the claim also recites "wherein the ordered sequence comprises a first selected current level that is applied at a first and a last time and a second selected current level that is applied at a second and next-to-last time" which is the narrower statement of the range/limitation.

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Since the "ordered sequence" in the broad recitation is one among three options for the claimed sequence, it is unclear whether the narrower statement is a required feature of the claim or merely exemplary.

Claims 15-18 and 20-22 are rejected due to their dependence upon claims 14 and 19, respectively.

***Allowable Subject Matter***

6. Claim 1 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

Claims 2-13 are objected due to their dependence upon an objected claim but would be allowable once claim 1 is rewritten or amended to overcome the objection(s) set forth in this Office action.

7. Claims 14 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Due to their dependence upon claim 14, claims 15 through 18 would be allowable once claim 14 is rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this action.

Due to their dependence upon claim 19, claims 20 through 22 would be allowable once claim 19 is rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this action.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. LoCascio et al. disclose a temperature measurement with interleaved bi-level current

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on a diode and bi-level current source therefor. Hegyi discloses a diode thermometer. Thompson et al. discloses a four current transistor temperature sensor.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lydia M. De Jesús whose telephone number is (703) 306-5982. The examiner can normally be reached on 7:30 to 4:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



Diego F.F. Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800

LDJ  
July 14, 2003